


TO: HONORABLE MAYOR AND BOARD OF DIRECTORS
FROM: BRUCE T. MOORE, CITY MANAGER 
SUBJECT: ORDINANCE AMENDING CHAPTERS 31 AND 36
DATE: NOVEMBER 11, 2005

The request was made at the November 8, 2005, Board of Directors Agenda Meeting for staff to provide additional information regarding the proposed ordinance amendments to Chapters 31 and 36. Attached is a discussion outline with each subsection listed and followed by the existing text in the code and the proposed new text. In some cases, there is no existing text so only the proposed new text is shown.

If additional information is needed, please advise.

Attachment

Subsection (a)

A 'clean-up' matter to correct an incorrect reference to another subsection in Chapter 36.

Existing Text

- (5) The owner did not exercise the variance rights contained in Section 36-454(d).

Proposed Text

- (5) The owner did not exercise the variance rights contained in Section 36-454(e).

Subsection (b)

A 'clean-up' matter to correct an incorrect reference to the Little Rock Real Estate Board which is now the Little Rock Realtors Association.

Existing Text

- (a) The Board of Zoning Adjustment shall consist of five (5) members who are appointed by the City Board of Directors. One (1) member of the board shall be an architect/planner, one (1) member of the board shall be a civil engineer, one (1) member of the board shall be a member of the Little Rock Real Estate Board, two (2) members of the board shall be from the citizenry at large. The term of office for the members of the board shall be for three (3) years.

Proposed Text

- (a) The Board of Zoning Adjustment shall consist of five (5) members who are appointed by the City Board of Directors. One (1) member of the board shall be an architect/planner, one (1) member of the board shall be a civil engineer, one (1) member of the board shall be a member of the Little Rock Realtors Association, two (2) members of the board shall be from the citizenry at large. The term of office for the members of the board shall be for three (3) years.

Subsection (c)

Adds language requiring a special use to be initiated within one (1) year of the date of approval, unless the Commission grants an extension of time.

Existing Text

- (d) *Transfer of permits.* Special use permits shall not be transferable in any manner. Permits cannot be passed [from] owner to owner, location to location or use to use.

Proposed Text

- (d) *Transfer of permits and initiation of permits.* Special use permits shall not be transferable in any manner. Permits cannot be passed from owner to owner, location to location or use to use. The special use approved by the Commission must be initiated within one (1) year of the date of approval, unless an extension of time is granted by the Commission. Otherwise, the Commission's approval of the special use permit shall be considered void.

Subsection (d)

Clarifies the time which an alleged violator must be given by Code Enforcement for a violation of Chapter 36, the Zoning Ordinance. The language will change from "maximum of thirty (30) days" to "minimum of seven (7) days".

Existing Text

- (d) When, in the judgment of the enforcing officer, a violation of this chapter exists, the enforcing officer shall issue a written order to the alleged violator. The order shall specify those sections of this chapter of which the person may be in violation and shall state that the person has a maximum of thirty (30) days from the date of the order in which to abate the alleged violation or to appeal to the appropriate board, or commission provided, however that in the case of the alleged violator to whom the enforcing officer has issued such an order within the preceding twelve-month period, the notice may require the person to abate the alleged violation within twenty-four (24) hours.

Proposed Text

- (d) When, in the judgment of the enforcing officer, a violation of this chapter exists, the enforcing officer shall issue a written order to the alleged violator. The order shall specify those sections of this chapter of which the person may be in violation and shall state that the person has a maximum of seven (7) days from the date of the order in which to abate the alleged violation or to appeal to the appropriate board, or commission provided, however, that in the case of the alleged violation to whom the enforcing officer has issued such an order within the preceding twelve (12) month period, the notice may require the person to abate the alleged violation within twenty-four (24) hours.

Subsection (e)

Requires a Planning Commission hearing and action when the owner of an approved PUD or PD requests revocation of the PUD or PD up to three (3) years after its adoption. Current language requires such requests to go straight to the Board of Directors.

Existing Text

- (d) The owner of an approved PD or PUD may, for cause, request repeal of the ordinance establishing the development when it has been determined that the development will not occur. A written request may be filed with the City Clerk at any time up to three (3) years after the date of adoption of the ordinance creating the PUD or PD. The request shall be addressed to the Mayor and Board of Directors, setting forth the cause of the repeal. The request shall be set for a public hearing at the earliest possible time to expedite the required action. The owner of the subject PD or PUD zoned land shall provide notice of hearing to property owners within two hundred (200) feet as required for the initial Planning Commission hearing. Notice to others as required by bylaw or police shall be provided by city staff and signs shall be posted.

Proposed Text

- (d) The owner of an approved PD or PUD may, for cause, request repeal of the ordinance establishing the development when it has been determined that

the development will not occur. A written request may be filed with the city staff at any time up to three (3) years after the date of adoption of the ordinance creating the PUD or PD. The request shall set forth the cause of the repeal.

A public hearing on the repeal request shall be held by the Planning Commission not later than sixty (60) days after filing of the written request. Legal advertisement and notice to property owners within two hundred (200) feet shall be as required by this chapter and the Planning Commission bylaws for the initial Planning Commission hearing. Notice to others as required by the bylaws shall be provided by staff and signs shall be posted.

The Planning Commission's recommendation on the repeal request shall be forwarded to the Board of Directors for their consideration. The Board of Directors may grant or deny the request or return the request to the Planning Commission for further study. If the request is approved, an ordinance shall be adopted repealing the PUD or PD.

Subsection (f) & (g) Clarifies the Subdivision Committee's responsibility when reviewing proposed preliminary plats and conditional uses. Eliminates the language stating the Committee makes a recommendation to the full Commission.

Existing Text

- (c) The Subdivision Committee of the Planning Commission shall review the preliminary plat along with the staff recommendation for approval, disapproval or modification and then shall submit its recommendation accompanied by a copy of the staff's recommendation to the full Planning Commission for public hearing.

The Subdivision Committee of the Planning Commission shall review the conditional use along with staff recommendations for approval, approval with modifications, deferral or denial. The committee shall pass each plan to the full Commission for final

action with any comments determined necessary to expedite the plan.

Proposed Text

- (c) The Subdivision Committee of the Planning Commission shall review the preliminary plat along with comments from the staff and other reviewing agencies. The committee shall pass the preliminary plat to the full Commission for final action with any comments determined necessary to expedite review of the preliminary plat.

The Subdivision Committee of the Planning Commission shall review the conditional use along with comments from staff and other reviewing agencies. The committee shall pass the conditional use issue to the full Commission for final action with any comments determined necessary to expedite review of the conditional use.

Subsection (h) & (i) Remove "bus station and terminal" from the conditional uses allowed in C-2 and C-3.

Subsection (j) & (k) Remove "bus station and terminal" from the permitted use list in I-1 and place it as a conditional use in that district.

Subsection (l) & (m) Remove "bus station and terminal" from the permitted use list in I-2 and place it as a conditional use in that district.

Subsection (n) Deletes language in the parking variance section of Board of Zoning Adjustment powers which conflicts with Section 36-507. The current language allows the Board to approve a use which is not permitted.

Existing Text

- (5) *Parking.* The Board may grant a variance for the number of required parking spaces where a hardship exists. Any detached parking facilities or satellite parking shall be located on a lot which is zoned to allow the principal use which this parking will serve, or they must be approved by the Board.

Proposed Text

- (5) *Parking.* The Board may grant a variance for the number of required parking spaces where a hardship exists. Any detached parking facilities or satellite parking shall be located on a lot which is zoned to allow the principal use which this parking will serve.

Subsection (o)

Resolves an interpretation difficulty by clarifying that dumpsters and trash containment areas may not be located within the required setback areas abutting streets in the commercial zones.

Existing Text

- (2) All trash receptacles and pickup shall be oriented away from the street side of the property and adequately screened from residential property.

Proposed Text

- (2) Dumpsters and trash containment areas shall not be located within the front yard setback area or street side or exterior side yard setback area.

Dumpsters and trash containment areas shall be screened as required by Section 36-523.

Subsection (p)

Adds to the commercial district development criteria a requirement that all premises be kept clear of all rubbish, trash, brush and litter.

No Existing Text

Proposed Text

- (9) All premises shall be kept clear of all rubbish, trash, brush and litter.

Subsection (q)

Adds balloons to the list of prohibited signs and sales promotion devices.

Existing Text

- (2) Banners, pennants, festoons, searchlights, except as allowed in Section 36-557, Subsection (d).

Proposed Text

- (2) Banners, pennants, festoons, balloons, searchlights, except as allowed in Section 36-557, Subsection (d).

Subsection (r)

Adds standards to allow subdivision identification signs in residential zones.

No Existing Text

Proposed Text

- (4) One (1) subdivision identification sign shall be permitted per neighborhood or subdivision, not to exceed thirty-two (32) square feet in area and six (6) feet in height.

Subsection (s)

Eliminates a conflict in language related to sign height for signs adjacent to expressways or freeways. The current language sets a maximum sign height of thirty-six (36) feet under any condition which conflicts with the language allowing a taller sign if the abutting freeway is at a higher elevation.

Existing Text

- (b) Sign heights for all ground-mounted on-premises signs located on properties immediately adjacent to and contiguous to an expressway or freeway may be measured from the elevation of the centerline of the traffic lanes (excluding frontage roads) adjacent to subject property to the top of the sign structure. It shall be the responsibility of the sign owner to submit all necessary information when this approach is used. The maximum allowable height in any zone and under any condition shall be thirty-six (36) feet.

Proposed Text

- (b) Sign heights for all ground-mounted on-premises signs located on properties immediately adjacent to and contiguous to an expressway or freeway may be measured from the elevation of the centerline of the

traffic lanes (excluding frontage roads) adjacent to subject property to the top of the sign structure. It shall be the responsibility of the sign owner to submit all necessary information when this approach is used.

Subsection (t)

Allows one (1) building mounted special event banner per business per street frontage rather than one (1) per property; allows flexibility in placing the banners within the allotted twenty-four (24) weeks and allows up to two (2) freestanding banners per property per street frontage.

Existing Text

(d) One (1) temporary special event on-premises banner or device per premises per street frontage as allowed by the administrator for special events or grand openings. Special event banners or devices shall only be utilized for nonresidential uses or zoning districts. For these events, the signs or decorations may be erected for a maximum of six (6) weeks per occasion, not to exceed four (4) events in a calendar year.

- (1) These signs or decorations shall be secured by a method approved by the administrator to ensure safety and stability.
- (2) The maximum size for these banners and decorations shall be five (5) feet vertical and twenty (20) feet horizontal.
- (3) They shall not be tied, secured, mounted or affixed in any manner to a tree, landscaping, screening wall or fence. The placement of these event materials may be pole mounted or on a building provided there are no encroachments into a public right-of-way.
- (4) An annual events permit may be obtained by an owner or operator of a site, which will allow the user to structure the number of events and days per year desired. The permit shall be submitted for review and approval as set forth in Section 36-545, and a fee assessed as provided in Section 36-545(e). Telephone contact may be used to initiate the beginning of events and timing after initial approval.
- (5) Maintenance shall be as provided in Section 36-546 of the Code of Ordinances.

- (6) These materials or devices shall not be placed, mounted or in any way affixed to any off-premises sign or billboard.
- (7) For purposes of mixed use development with multiple businesses or buildings on a lot or tract of land, freestanding banners shall not be permitted when two (2) or more businesses are permitted building mounted banners. On these mixed use sites freestanding banners may be used for events common to all tenants.

Proposed Text

- (d) Each business shall be permitted to utilize one (1) temporary special event on-premises, building mounted banner or device per street frontage as allowed by the administrator for special events or promotions. Special event banners or devices shall only be utilized for nonresidential uses or zoning districts. Temporary special event on-premises banners or devices may be erected for a maximum of twenty-four (24) weeks (168 days) per year. A special event permit will be issued for a maximum of six (6) weeks (42 days) per permit. Multiple permits may be obtained at one time as specified in subsection (4) below.
 - (1) These signs or decorations shall be secured by a method approved by the administrator to ensure safety and stability.
 - (2) The maximum size for these banners and decorations shall be five (5) feet vertical and twenty (20) feet horizontal.
 - (3) They shall not be tied, secured, mounted or affixed in any manner to a tree, landscaping, screening wall or fence. The placement of these event materials may be pole mounted or on a building provided there are no encroachments into a public right-of-way.
 - (4) An annual events permit may be obtained by an owner or operator of a site, which will allow the user to structure the number of events and days per year desired, not to exceed a total of twenty-four (24) weeks (168 days). The permit shall be submitted for review and approval as set forth in Section 36-545, and a fee assessed as provided in

Section 36-545(e). Telephone contact may be used to initiate the beginning of events and timing after initial approval.

- (5) Maintenance shall be as provided in Section 36-546 of the Code of Ordinances.
- (6) These materials or devices shall not be placed, mounted or in any way affixed to any off-premises sign or billboard.
- (7) In addition to a building mounted banner, businesses may also utilize one (1) freestanding banner per street frontage. For purposes of developments which have multiple businesses or buildings on a single lot or tract of land, the number of freestanding banners shall be limited to two (2) per property per street frontage.

Subsection (u)

Eliminates the requirement of a zero (0) foot front build-to-line in the UU District.

Existing Text

- (1) *Front yard.* No setback, zero (0) foot build-to-line. (In no case may a structure be built in the right-of-way.)

Along Capitol Avenue, west of Broadway Street and east of Scott Street, the front building line shall be twenty-five (25) feet. Along Chester Street from I-630 to La Harpe Boulevard the front building line shall be ten (10) feet.

In no case is the storage or parking of vehicles allowed in the front setback.

Proposed Text

- (1) *Front yard.* No setback is required except as noted below. (In no case may a structure be built in the right-of-way.)

Along Capitol Avenue, west of Broadway Street and east of Scott Street, the front building line shall be twenty-five (25) feet. Along Chester Street from I-630 to La Harpe Boulevard the front building line shall be ten (10) feet.

In no case is the storage or parking of vehicles allowed in the front setback.

Subsection (v)

Allows eating places to have an area of outdoor dining in the UU District.

Existing Text

- (1) *Permitted uses.* Uses permitted shall include all those allowed in the residential districts, office districts and commercial districts as “permitted uses”, in this Chapter 36. Except that, all uses must be inside or enclosed.

Proposed Text

- (1) *Permitted uses.* Uses permitted shall include all those allowed in the residential districts, office districts and commercial districts as “permitted uses”, in this Chapter 36. All uses must be inside or enclosed except areas of outdoor dining as specified below.

Eating places shall be permitted to have an area of outdoor dining subject to compliance with the following provisions.

- (a) The area of outdoor dining shall not be located in the public right-of-way nor shall it obstruct pedestrian movement, fire lanes, access to any business or areas designated for access by the physically impaired.
- (b) The number of seats in the area of outdoor dining shall not exceed fifty (50) percent of the number of seats within the eating place.
- (c) Compliance with applicable state and county health regulations.
- (d) The area of outdoor dining shall not be located between the building occupied by the eating place and adjacent residentially zoned properties.
- (e) This subsection shall not be deemed to permit signage or structural alterations such as canopies or walls regulated elsewhere in this chapter.

Subsection (w)

Changes the measurement of allowable height in the UU District from floors to feet. Adds a new height bonus for

developments which are at least eighty (80) percent residential and include a parking deck.

Existing Text

- (e) *Height regulations.* No building hereafter erected or structurally altered shall exceed a height of five (5) stories or seventy-five (75) feet, whichever is less. Developments which provide a minimum twenty (20) percent of the gross floor area for residential uses are entitled to add two (2) stories to the structure. Any structure which is certified by CATA (Central Arkansas Transit Authority) as providing a portion of the structure for mass transit (such as a bus stop, etc.) is entitled to one (1) bonus floor. If at least fifty (50) percent of the street-level office and retail space has direct access to the street, the total building square footage may be increased with additional floor(s) at a rate of two (2) square feet for each one (1) square foot of leaseable space directly accessible to the street. All building height bonuses in this section are cumulative not to exceed fifteen (15) stories or two hundred twenty-five (225) feet.

For those structures within the area described as, 2nd Street south to 9th Street and Scott Street west to Broadway, the maximum allowable structural height shall be governed by the "Adams Field Airport Zoning Ordinance" (Little Rock Code of Ordinances Section 7-57 [Section 7-51 et seq.]).

Proposed Text

- (e) *Height regulations.* No building hereafter erected or structurally altered shall exceed a height of seventy-two (72) feet. Developments which provide a minimum twenty (20) percent of the gross floor area for residential uses are entitled to add twenty-eight (28) feet to the structure. Any structure which is certified by CATA (Central Arkansas Transit Authority) as providing a portion of the structure for mass transit (such as a bus stop, etc.) is entitled to add fourteen (14) feet. If at least fifty (50) percent of the street-level office and retail space has direct access to the street, the total building square footage may be increased with additional floors (fourteen feet in

height) at a rate of two (2) square feet for each one (1) square foot of leaseable space directly accessible to the street. Developments which provide a minimum eighty (80) percent of the gross floor area for residential uses are entitled to add up to twenty-eight (28) feet to the structure specifically to accommodate a parking structure which is incorporated into the structure. All building height bonuses in this section are cumulative, not to exceed two hundred twenty-five (225) feet.

For those structures within the area described as 2nd Street south to 9th Street and Scott Street west to Broadway, the maximum allowable structural height shall be governed by the "Adams Field Airport Zoning Ordinance" (Little Rock Code of Ordinances Section 7-57 [Section 7-51 et seq.]).

Subsection (x)

Adds a screening and orientation requirement for ground-mounted mechanical systems in the UU District.

Existing Text

- (2) *Trash.* All trash receptacles and pickup shall be oriented away from a primary street side of the property and screened from the public right-of-way. Trash receptacles shall be placed adjacent to alleys if alleys are available.

Proposed Text

- (2) *Screening.* All ground-mounted mechanical systems and trash receptacles and pickup shall be oriented away from a primary street side of the property and screened from the public right-of-way. Ground-mounted mechanical systems and trash receptacles shall be placed adjacent to alleys if alleys are available.

Subsection (y)

Clarification in sign code that signs must be on-premises except as specifically allowed by the Code.

No Existing Text

Proposed Text

- (9) Off premises signs except as specifically permitted elsewhere in this Article.